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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,509	02/17/2000	Manish Gupta	YOR9-2000-0004	6746
30743	7590	06/02/2004	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			FELTEN, DANIEL S	
		ART UNIT	PAPER NUMBER	
		3624		
DATE MAILED: 06/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/505,509	GUPTA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	MW
	Daniel S Felten	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 February 2000.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION**

1. Receipt of the Amendment filed March 15, 2004 amending claims 1, 3, 6, 9 and adding claim 11 is acknowledged. Claims 1-11 are pending in the application and are presented to be examined upon their merits.

***Response to Arguments***

2. Applicant's arguments filed March 15, 2004 have been fully considered but they are not persuasive. Rejections are found below which cover the newly presented claim language.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedland (US 6,449,601).

Re claim 1:

Friedland discloses a distributed method for processing auction traffic using one or more servers at a plurality of nodes in a distributed processing system (see Friedland, fig. 3, Abstract) comprising the steps of:

Using a *computer implemented* local winner determination method at each of the nodes to identify loser bids and candidate winning bids (see Friedland, col. 3, ll. 10+); and

Using a computer implemented current global winner method to determine from the candidate winning bids from each of nodes a current set of winners (see Friedland, col. 3, ll. 10-67).

Friedland fails to identify loser bids. Again, it would be obvious to an artisan of ordinary skill at the time of the invention to recognize that the determination of winning bids would also include the determination of loser bids within the filtering process (see col. 3, ll. 10+). Thus an artisan would recognize the state of such bids and thus have been an obvious expedient well within the ordinary skill in the art.

Re claim 2:

Friedland discloses wherein the auction is an open-cry auction (see Friedland, Abstract fig. 3, col. 7, ll. 61+).

Re claim 3, 6 and 9:

Friedland discloses a distributed method (see fig. 3) for processing open-cry auction traffic using one or more servers at a plurality of nodes in a distributed processing system comprising steps of:

Using a current local winner determination method at each of the nodes to identify loser bids and candidate winning bids;

- (a) receiving a new bid ( $v,q$ )... (see Freidland col. 5, ll. 13+; col. 1, ll. 60+)
- (b) checking to see if the new bid ranks in top  $[N/q]$  bids... (see Friedland col. 2, ll. 12+)
- (c ) taking a new bid along with the set of  $[N/q]$  bids that have been processed... (see Friedland, col. 17, ll. 3+),
- (d) determining if bid ( $v,q$ ) is in the top  $[N/q]$  bids.... (see Friedland, col. 17, ll. 3+).

Using a current global winner determination method to determine from the candidate winning bids of each of the nodes a current set of winners (see explanation for claim 1).

Re claims 4, 5, 7, 8 and 10:

(rejections are maintained from Office action Dated December 11, 2003.)

Re claim 11:

Bidders submit multi-item bids and the bids may be indivisible (see Friedland, col. 8, ll. 10-50).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel S Felten  
Examiner  
Art Unit 3624



DSF  
May 27, 2004